

C-482 No. 491 of 2001
Old No. 3854 of 1987
Hon'ble Irshad Hussain, J.

Heard Sri Raman Kumar Sah, counsel for the petitioner and the learned A.G.A.

This is a petition u/s 482 Cr.P.C. whereby the learned Special Judge (E.C.Act) Pauri passed an order to summon the petitioners so as to stand trial for an offence punishable under section 3/7 of the Essential Commodities Act. After recording the evidence of P.W.1 and P.W.2 the names of these applicants came into picture as they had assisted in the commission of the offence in regard to the Essential Commodity. The application u/s 319 Cr.P.C. was, therefore, moved on behalf of the prosecution and considering the fact that these two petitioners were also named by the witnesses as having committed the offence, there was no illegality in summoning them to stand trial alongwith the accused who was initially summoned on the basis of the charge sheet filed in the case. Considering this, the petition has no force and is hereby dismissed and the stay order dated 25.3.1987 is hereby vacated. The record be returned to the court below forthwith.

(Irshad Hussain, J.)

08.07.2002.